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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,998	09/09/2003	Ray Parsonage	02894-427003 / 80041.2	2282
26161	7590	10/12/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HAMILTON, ISAAC N	
		ART UNIT	PAPER NUMBER	
		3724		

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/657,998 Examiner Isaac N. Hamilton	PARSONAGE ET AL. Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 July 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 49 and 51-67 is/are pending in the application.  
 4a) Of the above claim(s) 61 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 49,51-60 and 62-67 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. 09/216,361.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 49, 55-60, 62, 63, 65 and 66 are rejected under 35 U.S.C. 102(b) as being anticipated by Showers (3,411,206). Showers discloses first shaving unit 45, 49; first outer cutter 45; first undercutter 49; frame 36; skin agitation member 46; housing 1; drive source 2, 4; the skin engaging surface of the skin agitation member is oscillated at a second frequency, which is lower than the first frequency at which the first under cutter oscillates as recited in column 1, lines 14-17, and column 2, lines 55-60; skin agitation member 46 is coupled to the drive source via gearing 15, 17; the skin agitation member is mounted for oscillating movement in a direction parallel to the direction of oscillation of the first under cutter in the left and right directions as shown in figure 3, wherein the direction of oscillation is linear; drive source is connected directly to the first undercutter as recited in column 2, lines 24-29; drive source is connected indirectly to the skin agitation member via gearing 15, 17, and as recited in column 2, lines 9-23; drive source connected to first undercutter via eccentrically rotated pin 9 and drive coupling 4, 5, 8; drive source connected to skin agitation member via eccentrically rotated pin 16 interacting with drive coupling 4, 5, 8, 12, 15; the first cutter has a low friction outer surfaces as shown in figure 4, wherein the outer surface is smooth and without any protuberances or other friction inducing elements; frame 36 is movably mounted in housing 1; gearbox 37, 38, 39, 40, 41, 42; first drive

shaft 9; first gear means 12; first eccentric camming element 8; second drive shaft 17; second gear means 15; second eccentric camming element 16; first follower means 25; second follower means 19.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 51, 52, 54 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Showers. Showers discloses everything as noted above, but does not disclose an additional shaving unit located adjacent the skin agitation member on the opposite side from the first shaving unit, however, it would have been obvious to having ordinary skill in the art at the time the invention was made to provide an additional shaving unit, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Moreover, providing an additional shaving unit in Showers would increase thoroughness of the shaving unit because a user would effectually be getting a shave thrice over. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

5. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Showers in view of Tanahashi et al (5,398,412), hereafter Tanahashi. Showers discloses everything as noted above, but does not disclose the shaving unit mounted floatably for up and down movement in the housing, however, Tanahashi teaches the shaving unit mounted floatably for up and down movement in column 8, lines 49-54. It would have been obvious to provide the shaving unit

mounted floatably for up and down movement in Showers as taught by Tanahashi in order to provide the shaving unit to follow the contours of a user's face. The apparatus in Showers could be modified with the elements 55 and 39 of Tanahashi interposed between elements 3 and 1 of Showers.

***Allowable Subject Matter***

6. Claim 53 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*MH*

IH  
October 2, 2006

*Uc 2*  
Timothy V. Eley  
Primary Examiner